

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 391

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO EXPLICIT SYNTHETIC MEDIA; AMENDING CHAPTER 66, TITLE 18, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 18-6606, IDAHO CODE, TO PROVIDE
3 FOR THE CRIME OF DISCLOSING EXPLICIT SYNTHETIC MEDIA, TO PROVIDE PENAL-
4 TIES, AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN
5 EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 66, Title 18, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 18-6606, Idaho Code, and to read as follows:

11 18-6606. DISCLOSING EXPLICIT SYNTHETIC MEDIA. (1) A person is guilty
12 of disclosing explicit synthetic media when:

13 (a) The person discloses explicit synthetic media with the intent to
14 annoy, terrify, threaten, intimidate, harass, offend, humiliate, or
15 degrade; or

16 (b) The person possesses and threatens to disclose explicit synthetic
17 media with the intent to obtain money or other valuable consideration
18 from an identifiable person portrayed in whole or in part in the ex-
19 plicit synthetic media.

20 (2) Except as described in subsection (3) of this section, a person who
21 violates subsection (1) of this section is guilty of a misdemeanor.

22 (3) A person who violates subsection (1) of this section is guilty of
23 a felony if the person has previously been found guilty of a violation of
24 this section or a similar statute in another state or any local jurisdiction
25 within the past five (5) years, notwithstanding the form of the judgment or
26 withheld judgment, and is punishable by imprisonment for a period no more
27 than ten (10) years or by a fine of no more than twenty-five thousand dollars
28 (\$25,000), or by both such fine and imprisonment.

29 (4) As used in this section:

30 (a) "Disclose" means to disseminate, share with another person, or make
31 publicly available.

32 (b) "Explicit synthetic media" means synthetic media that depicts or
33 appears to depict:

34 (i) An identifiable individual engaged in sexual conduct;

35 (ii) The intimate parts of another individual, or artificially
36 generated intimate parts, presented as the intimate parts of an
37 identifiable individual; or

38 (iii) The display or transfer of bodily sexual fluids onto any part
39 of the body of an identifiable individual or from the body of an
40 identifiable individual.

41 (c) "Identifiable individual" means a person who is portrayed in whole
42 or in part in synthetic media and who is recognizable by the person's

1 face, likeness, or other distinguishing characteristic, such as a
2 unique birthmark or other recognizable feature.

3 (d) "Intimate parts" means the nude genitals, pubic area, anus, or
4 postpubescent female nipple.

5 (e) "Realistically" means that the synthetic media is sufficiently
6 convincing such that an ordinary person viewing the synthetic media
7 could conclude that it is an actual image or video of the identifiable
8 person but does not include drawings, cartoons, or paintings.

9 (f) "Sexual conduct" means actual or simulated sexual intercourse,
10 oral-genital contact, manual-genital contact, genital-anal contact,
11 oral-anal contact, or other physical-genital contact.

12 (g) "Synthetic media" means any image or video created or altered us-
13 ing technical means, such as artificial intelligence, to realistically
14 misrepresent an identifiable individual as engaging in conduct that the
15 identifiable individual did not engage in.

16 (h) "Valuable consideration" includes but is not limited to sexually
17 explicit images or video from the identifiable individual portrayed in
18 the synthetic media.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2024.